



~~January 17, 2006 CPC~~
~~February 21, 2006 CPC~~
~~March 21, 2006 CPC~~
April 26, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0141
(AMENDED)

TBA Development, LLC

Clover Hill Magisterial District
Davis Elementary, Providence Middle and Monacan High Schools Attendance Zones
Northern termini of South Twilight Lane and Oxer Road

- REQUESTS: I. Rezoning from Agricultural (A) to Residential (R-12).
II. Waiver to street connectivity requirements.

PROPOSED LAND USE:

A single-family residential subdivision with a minimum lot size of 12,000 square feet is planned. A maximum of forty-five (45) lots, yielding a density of approximately 1.67 units per acre is proposed. (Proffered Condition 3)

PLANNING COMMISSION RECOMMENDATION

REQUEST I: RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 7.

AYES: MESSRS. WILSON, GECKER, BASS AND LITTON.
ABSENT: MR. GULLEY.

REQUEST II: RECOMMEND APPROVAL OF RELIEF TO STREET ACCESS REQUIREMENTS.

AYES: MESSRS. WILSON, GECKER, BASS AND LITTON.
ABSENT: MR. GULLEY.

STAFF RECOMMENDATION

Request I: Recommend approval of the rezoning for the following reasons:

- A. The proposed zoning and land use conforms to the Northern Area Plan which suggests the property is appropriate medium density residential use of 1.51 to 4.0 dwelling units per acre.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Request II: Recommend approval of the waiver to street connectivity requirements to Twilight Lane (to the north) for the following reason:

Connection would result in traffic cut-through thereby substantially increasing the volume traffic on connecting subdivisions which in some instances already exceed 1,500 cars per day.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (STAFF/CPC) 1. Public water and wastewater shall be used. (U)
- (STAFF/CPC) 2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006;
or
 - B. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by

any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law (B&M)

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|-------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (STAFF/CPC) | 3. | The maximum density of this development shall not exceed forty five (45) lots. (P) |
| (STAFF/CPC) | 4. | Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE) |
| (STAFF/CPC) | 5. | All dwelling units shall have a minimum gross floor area of 1800 square feet. (BI & P) |
| (STAFF/CPC) | 6. | All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P) |
| (STAFF/CPC) | 7. | Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that all adjacent property owners have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for referral to the Planning Commission shall not commence until such certification has been provided. (P) |
| (STAFF/CPC) | 8. | Until such time as the project is fully developed and all initial occupancy permits have been granted, all exterior construction activity shall be limited to between the hours of 6:00 am and 9:00 pm. This condition shall not preclude interior construction activity once the structure is enclosed by walls and a roof. (P) |
| (STAFF/CPC) | 9. | There shall be no vehicular access to North Twilight Lane. (P & T) |
| (STAFF/CPC) | 10. | The developer shall design and construct the subdivision such that no water from impervious surfaces shall sheet flow onto Three Pines subdivision to the west or Foxberry subdivision to the south. (EE) |

(STAFF/CPC)

11. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
 - A. No lot shall be used except for residential purposes.
 - B. No initial improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
 - C. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
 - D. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - i. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
 - ii. No fence or hedge shall generally be permitted higher than 48 inches of any Lot.
 - iii. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
 - E. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
 - F. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet

advertising the property for sale or rent, or signs used by a the initial construction and sales period.

- G. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- H. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph B.
- I. No above ground swimming pools shall be permitted. No in-ground swimming pools shall be located nearer to any street line than the rear building line of the dwelling.
- J. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- K. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- L. No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
- M. No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building, except as permitted by law.
- N. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a

driveway shown on plans that have been approved as provided in Paragraph B.

- O. Any one or more of the covenants or restrictions imposed by paragraphs A through N above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
- P. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
- Q. Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
- R. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
- S. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
- T. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots

in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.

- U. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

GENERAL INFORMATION

Location:

Northern termini of South Twilight Lane and Oxer Road. Tax IDs 757-696-Part of 7441 and 8070; and 758-696-Part of 0254 and Part of 2884 (Sheet 11).

Existing Zoning:

A

Size:

26.9 acres

Existing Land Use:

Single-family residential and vacant

Adjacent Zoning and Land Use:

North - R-7 & R-12; Single family residential or vacant
South - A, R-12 & R-15; Single family residential or vacant
East - R-7; Single family residential or vacant
West - R-9; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing eight (8) inch water line along South Twilight Lane adjacent to this site. There is an existing eight (8) inch water line connected to a six (6) inch water line along Oxer Road that terminates adjacent to the southern boundary of this site and a twelve (12) inch water line along a portion of Twilight Lane that terminates approximately 200 feet north of this site. Use of the public water system is intended. (Proffered Condition 1)

Public Wastewater System:

There is an existing twenty-seven (27) inch wastewater trunk line extending along Pocoshock Creek adjacent to the northern boundary of this site. Use of the public wastewater system is intended. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

The majority of the property is open fields with a small portion between two (2) existing subdivisions that is wooded. That portion of the request that is wooded should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 4). There are no on- or off-site drainage problems and none are anticipated after development. There are no known off site erosion problems; however, on site in the vicinity of Twilight Lane there are some severe erosion problems to the natural creek channel. This area will be evaluated at the time of tentative review to determine if measures are necessary to address these problems.

To address concerns of area residents relative to run-off within adjacent developments, Proffered Condition 10 requires the subdivision to be designed and constructed so as to divert run-off into these subdivisions.

Water Quality:

The property is adjacent to Pocoshock Creek which is a perennial stream and is therefore subject to a 100 foot conservation area inside of which uses are limited. The Chesapeake Bay Preservation Ordinance requires that the 100 foot conservation area be re-established if not present. Construction plans must show how the conservation area will be re-established in the open fields that are adjacent to Pocoshock Creek. In addition, a perennial determination will need to be approved by Environmental Engineering prior to submitting a tentative subdivision layout.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5)

existing stations. Based on forty-five (45) dwelling units, this request will generate approximately fifteen (15) calls for fire and emergency medical service (EMS) each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 2)

The Wagstaff Fire Station, Company Number 10, provides fire protection and the Forest View Volunteer Rescue Squad provides EMS. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately twenty-four (24) students will be generated by this development. This site lies in Davis Elementary School attendance zone: capacity - 674, enrollment - 686; Providence Middle School zone: capacity - 1,089, enrollment - 993; and Monacan High School zone: capacity - 1,692, enrollment - 1,642. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006. This development will have an impact. There are currently two (2) trailers at Davis Elementary and eight (8) trailers at Providence Middle that are used for various programs.

The applicant has addressed the impact of this development on schools. (Proffered Condition 2)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, The Public Facilities Plan identifies a need for additional library space throughout the County.

Development of the property noted in this case would most likely affect the existing La Prade Library or a proposed new library in the Reams/Gordon area. The applicant has addressed the impact of this proposed development on library facilities. (Proffered Condition 2)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has addressed the impact of this proposed development on parks and recreation facilities. (Proffered Condition 2)

Transportation:

The property (26.9 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential (R-12). The applicant has proffered a maximum density of forty-five (45) lots (Proffered Condition 3). Based on single-family trip rates, development could generate approximately 500 average daily trips. These vehicles could be distributed through streets in Providence Pines, Three Pines and Foxberry Subdivisions to Providence Road and Hicks Road. Providence Road had a 2003 traffic count of 10,729 vehicles per day (VPD), and Hicks Road had a 2005 traffic count of 10,911.

The property has potential access through three (3) stub road rights of way: Twilight Lane South, Twilight Lane and Oxe Road. Pocoshock Creek borders the northern part of the property. It is anticipated that access from the property will not cross Pocoshock Creek to Twilight Lane. Accessing Twilight Lane, in addition to the other available stubs, may create a "cut-through" route between Providence Road and Hicks Road, and cause an increase in traffic at the Twilight Lane/Elkhardt Road/Providence Road intersection, which is not designed to handle this additional traffic. Included in the Subdivision Ordinance is the Planning Commission's Stub Road Policy. The Policy suggests that subdivision streets anticipated to carry 1,500 VPD or more should be designed as "no-lot frontage" collector roads. As previously stated, traffic generated by this development could travel along streets in Providence Pines, Three Pines and Foxberry Subdivisions. Those streets were developed prior to the adoption of the Stub Road Policy. Shadymist Drive (2005 traffic count of 1,552 VPD), Mountain Pine Boulevard (2005 traffic count of 1,464 VPD) and Foxberry Drive (2005 traffic count of 1,834 VPD) are some of the subdivision streets that are anticipated to be used in traveling to and from this proposed development. Traffic volumes on Shadymist Drive and on Foxberry Drive currently exceed the acceptable subdivision street volume as defined by the Stub Road Policy. However, there is no means of accessing this proposed development that would eliminate accessibility to those streets.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Providence Road and Hicks Road will be directly impacted. Sections of Providence Road have twenty (20) foot wide pavement with one (1) foot wide shoulders. Based on the volume of traffic it carries (10,729 VPD), this road operates at capacity (Level of Service E). Sections of Hicks Road have twenty (20) foot wide pavement with two (2) foot wide shoulders. Based on the volume of traffic it currently carries (10,911 VPD), this road also operates at capacity (Level of Service E).

The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 2). As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan, except for a safety improvement project to construct turn lanes along Reams Road at various

intersections between Adkins Road and Wadsworth Drive. Phase I of this project will be the Reams Road/Adkins Road intersection.

Financial Impact on Capital Facilities:

| | | PER UNIT |
|----------------------------------------|---------|----------|
| Potential Number of New Dwelling Units | 45* | 1.00 |
| Population Increase | 122.40 | 2.72 |
| Number of New Students | | |
| Elementary | 10.49 | 0.23 |
| Middle | 5.85 | 0.13 |
| High | 7.61 | 0.17 |
| TOTAL | 23.94 | 0.53 |
| Net Cost for Schools | 240,660 | 5,348 |
| Net Cost for Parks | 27,180 | 604 |
| Net Cost for Libraries | 15,705 | 349 |
| Net Cost for Fire Stations | 18,225 | 405 |
| Average Net Cost for Roads | 402,390 | 8,942 |
| TOTAL NET COST | 704,160 | 15,648 |

*Based on a proffered maximum of forty-five (45) lots (Proffered Condition 3). Actual number of lots and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 2)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 dwelling units per acre.

The Northern Area Plan is currently being evaluated for revision and update.

Area Development Trends:

Adjacent properties are zoned Residential (R-12, R-9 and R-7) and Agricultural (A) and have been developed for single-family residential uses on acreage parcels and in Foxberry, Stonemill Creek, Surreywood and Three Pines Subdivisions or remain vacant.

Density:

Proffered Condition 3 limits development to a maximum of forty-five (45) lots, yielding a density of approximately 1.67 dwelling units per acre.

House Sizes and Foundation Treatment:

To address concerns of the Clover Hill District Commissioner and area citizens, Proffered Conditions 5 and 6 address minimum house sizes as well as foundation treatments.

Comparison of Lot Sizes and Densities:

Access to the subject property may be provided through Three Pines and Foxberry Subdivisions. To address compatibility with adjacent developments through which is property may have sole access, staff compared the average lot sizes and densities within such adjacent developments to the average lot sizes and densities proposed with this request.

The Ordinance requires a minimum lot size of 12,000 square feet in Residential (R-12) District. In addition, a maximum density of approximately 1.63 units per acres is proposed. In comparison, Three Pines and Foxberry Subdivisions are developed with average lot sizes of less than 12,000 square feet (between 11,284 and 11,669 square feet) and densities exceeding those proposed with this request. Therefore, lot sizes and densities of the proposed development are comparable with those of adjacent developments.

Street Connectivity:

The property has potential access through three (3) stub road rights of way. A waiver to the “Residential Subdivision Connectivity Policy” to preclude access to North Twilight Lane has been requested. (Proffered Condition 9)

The purpose of the “Connectivity Policy” is to require street interconnectivity which will improve public safety response times, provide alternative travel paths between neighborhoods, prevent excessive through traffic on local streets and will assist in maintaining capacities of arterial and collector streets. Specific standards of the Policy address interconnectivity of new streets, the layout of a development’s overall street network, street extensions and pedestrian pathways and stub roads.

The “Policy” allows the Board, through the Commission’s recommendation, to waive the requirement for streets in new subdivisions to connect to adjacent public streets that are designed as local streets, residential collectors and thoroughfare streets. Staff must evaluate this waiver based upon three (3) criteria: (1) there must be a sufficient number of other stub streets to adequately disperse traffic and not cause a concentrated use of any one (1) stub street; or (2) the connection to a particular stub will cause concentrated traffic at that location; (3) the projected traffic volume on any one (1) local street within an existing subdivision exceeds 1,500 vehicle trips per day. As previously noted, streets within the adjacent Foxberry, Three Pines and Providence Pines Subdivisions were developed prior to the adoption of the 1,500 vehicles per day (VPD) limitation and, as such, several currently exceed this limitation. Providing the connection to Twilight Lane to the north will likely create a “cut-through” route between Providence and Hicks Roads, therefore further exacerbating the traffic impact on the streets within these existing subdivisions. In addition, this connection would cause an increase in traffic at the Twilight Lane/Elkhardt Road/Providence Road intersection, which is not designed to handle this additional traffic. Therefore, staff supports the exception to connectivity to North Twilight Lane.

Construction Traffic:

Proffered Condition 8 limits the time construction activity may occur. This proffered condition is difficult, if not impossible, to enforce. Staff recommends this proffered condition not be accepted.

Restrictive Covenants:

Proffered Condition 11 requires restrictive covenants to be recorded in conjunction with the recordation of any subdivision plat. It is important to note that the County will only ensure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed.

CONCLUSIONS

The proposed zoning and land use conforms to the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 dwelling units per acre and is representative of existing area development .

Proffered Condition 8, which limits timing of construction activities is difficult, if not impossible, to enforce and therefore should not be accepted.

The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby ensuring that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

With respect to the waiver to connectivity requirements to North Twilight Lane, staff recommends approval because such connection would create a “cut-through” thereby significantly increasing the volume of traffic on roads in Foxberry, Three Pines and Providence Pines Subdivisions, some of which already carry in excess of 1,500 vehicles per day.

Given these considerations, approval of these requests is recommended.

CASE HISTORY

Applicant (12/22/05):

Revised and additional proffered conditions were submitted and the application was amended to request a waiver to the street connectivity requirements.

Planning Commission Meeting (1/17/06):

At the request of the applicant, the Commission deferred this case to February 21, 2006.

Staff (1/18/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than January 25, 2006, for consideration at the Commission's February 21, 2006, public hearing.

Also, the applicant was advised that a \$500.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (1/9/06, 1/20/06 and 1/23/06):

Revised and additional proffered conditions were submitted.

Applicant (2/2/06):

The deferral fee was paid.

Applicant (2/16/06):

An additional proffered condition was submitted.

Planning Commission Meeting (2/21/06):

On their own motion, the Commission deferred this request to their March 21, 2006, meeting.

Staff (2/22/06):

The applicant was advised in writing that any new or revised information should be submitted no later than February 27, 2006, for consideration at the Commission's March 21, 2006, public hearing.

Applicant (2/23/06):

The application was amended to withdraw 0.8 acre and add 0.1 acre to the request.

Planning Commission Meeting (3/21/06):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission recommended approval of the rezoning and acceptance of the proffered conditions on pages 2 through 7.

AYES: Messrs. Wilson, Gecker, Bass and Litton.

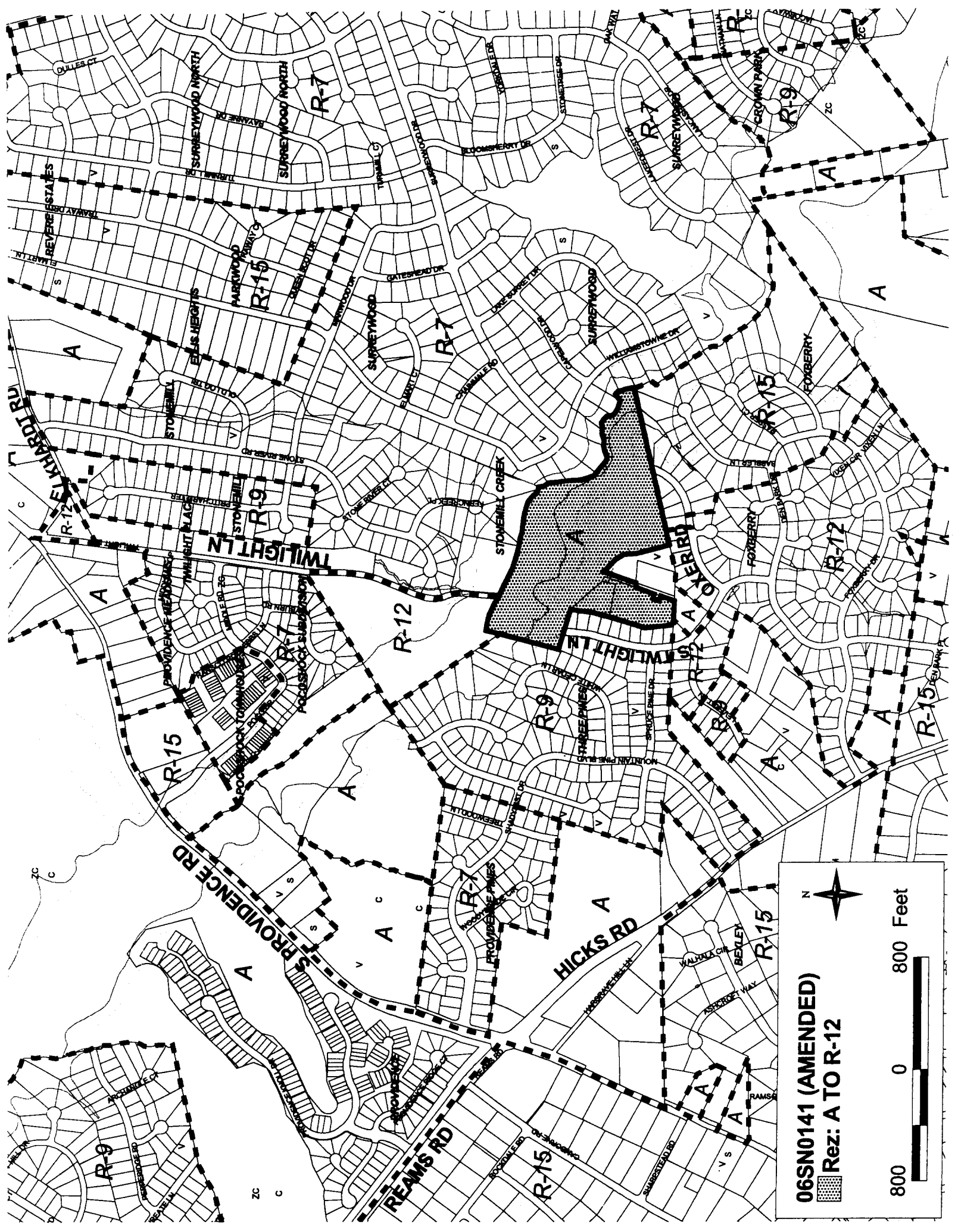
ABSENT: Mr. Gulley.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission recommended approval of a waiver to street connectivity requirements.

AYES: Messrs. Wilson, Gecker, Bass and Litton.

ABSENT: Mr. Gulley.

The Board of Supervisors, on Wednesday, April 26, 2006, beginning at 7:00 p.m., will take under consideration this request.



06SN0141 (AMENDED)
Rez: A TO R-12

